

# SENATE RECORD VOTE ANALYSIS

104th Congress  
2nd Session

Vote No. 241

July 25, 1996, 5:53 pm  
Page S-8807 Temp. Record

## FOREIGN OPERATIONS APPROPRIATIONS/Arms Export Standards

**SUBJECT:** Foreign Operations, Export Financing, and Related Programs Appropriations Bill for fiscal year 1997 . .  
. H.R. 3540. Bond motion to table the Dorgan/Hatfield amendment No. 5045.

### ACTION: MOTION TO TABLE AGREED TO, 65-35

**SYNOPSIS:** As reported, H.R. 3540, the Foreign Operations, Export Financing, and Related Programs Appropriations Bill for fiscal year 1997, will provide \$12.22 billion in new budget authority for foreign aid programs in fiscal year (FY) 1997. This amount is \$707.3 million below the President's request, \$161.6 million below the FY 1996 appropriated amount, and \$298.8 million more than the House-passed amount.

**The Dorgan/Hatfield amendment** would establish eligibility standards for United States military assistance and arms transfers to foreign governments, and would require congressional approval of military assistance and arms transfers that did not meet those standards. Specifically, any country that received military assistance, or that received defense articles or services under the Arms Export Control Act (except for arms export credit arrangements such as the Foreign Military Financing Program), would have to meet the following criteria:

- it would have to have free and fair elections, and would have to promote civilian control of the military, rule of law, freedom of speech, equality before the law, respect for individual and minority rights, and freedom of the press;
- it would have to respect human rights, including by permitting access to political prisoners by humanitarian organizations;
- it would have to observe international borders and not engage in armed aggression in violation of international law; and
- it would have to participate in the United Nations Conventional Arms Registry.

Each year the President would certify those countries that met the criteria. Military assistance or an arms transfer to a country that was not certified would only be allowed if a law were enacted specifically to approve it or if the President certified that an emergency existed under which it was vital to the interest of the United States to approve it.

Following debate, Senator Bond moved to table the Dorgan/Hatfield amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

(See other side)

| YEAS (65)                  |                          |             | NAYS (35)                |                          |               | NOT VOTING (0)     |                  |
|----------------------------|--------------------------|-------------|--------------------------|--------------------------|---------------|--------------------|------------------|
| Republicans<br>(50 or 94%) | Democrats<br>(15 or 32%) |             | Republicans<br>(3 or 6%) | Democrats<br>(32 or 68%) |               | Republicans<br>(0) | Democrats<br>(0) |
| Abraham                    | Helms                    | Baucus      | Hatfield                 | Akaka                    | Kerry         |                    |                  |
| Ashcroft                   | Hutchison                | Breaux      | Jeffords                 | Biden                    | Kohl          |                    |                  |
| Bennett                    | Inhofe                   | Byrd        | Kassebaum                | Bingaman                 | Lautenberg    |                    |                  |
| Bond                       | Kempthorne               | Dodd        |                          | Boxer                    | Leahy         |                    |                  |
| Brown                      | Kyl                      | Ford        |                          | Bradley                  | Levin         |                    |                  |
| Burns                      | Lott                     | Glenn       |                          | Bryan                    | Mikulski      |                    |                  |
| Campbell                   | Lugar                    | Graham      |                          | Bumpers                  | Moseley-Braun |                    |                  |
| Chafee                     | Mack                     | Heflin      |                          | Conrad                   | Moynihan      |                    |                  |
| Coats                      | McCain                   | Hollings    |                          | Daschle                  | Murray        |                    |                  |
| Cochran                    | McConnell                | Johnston    |                          | Dorgan                   | Pell          |                    |                  |
| Cohen                      | Murkowski                | Kerrey      |                          | Exon                     | Pryor         |                    |                  |
| Coverdell                  | Nickles                  | Lieberman   |                          | Feingold                 | Reid          |                    |                  |
| Craig                      | Pressler                 | Nunn        |                          | Feinstein                | Sarbanes      |                    |                  |
| D'Amato                    | Roth                     | Robb        |                          | Harkin                   | Simon         |                    |                  |
| DeWine                     | Santorum                 | Rockefeller |                          | Inouye                   | Wellstone     |                    |                  |
| Domenici                   | Shelby                   |             |                          | Kennedy                  | Wyden         |                    |                  |
| Faircloth                  | Simpson                  |             |                          |                          |               |                    |                  |
| Frahm                      | Smith                    |             |                          |                          |               |                    |                  |
| Frist                      | Snowe                    |             |                          |                          |               |                    |                  |
| Gorton                     | Specter                  |             |                          |                          |               |                    |                  |
| Gramm                      | Stevens                  |             |                          |                          |               |                    |                  |
| Grams                      | Thomas                   |             |                          |                          |               |                    |                  |
| Grassley                   | Thompson                 |             |                          |                          |               |                    |                  |
| Gregg                      | Thurmond                 |             |                          |                          |               |                    |                  |
| Hatch                      | Warner                   |             |                          |                          |               |                    |                  |

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

**Those favoring** the motion to table contended:

The Dorgan/Hatfield amendment would have disastrous results. Over 40,000 arms export licenses are issued every year. Under this amendment, all but a handful would have to be specifically approved by Congress, because the restrictive standards of the amendment could easily be read to apply to just about every country in the world. For instance, Spain could be barred because of its treatment of Basques, or Israel could be banned because of its treatment of Palestinians. The definitions of what constitutes a political prisoner, or discrimination, or aggression are not clear. Many countries would no doubt argue that the United States could not meet its own standards. Further, many countries that are loyal United States allies would clearly be hurt by this amendment. For instance, the United States has very clear interests to defend in the Persian Gulf, and most of the countries with which it is allied there are ruled by monarchies or otherwise unelected governments. Under the terms of this amendment, military assistance and arms transfers would be banned to those allies unless each one were specifically approved by Congress or unless an emergency situation arose. Few countries meet the nondiscrimination and democracy standards of this amendment, and clearly other factors need to be taken into consideration when deciding if military assistance or an arms sale is in the United States' interest. Requiring country-by-country approval each year would needlessly antagonize allies, and Congress is poorly suited to debate the tens of thousands of individual export licenses that it would be asked to consider for all the countries that the United States declared were undemocratic, aggressive, human-rights abusers. The baseless hope of our colleagues is that if we refuse to sell arms to our allies who do not quite measure up to their high standards, then those allies will no longer be involved in wars. Our colleagues suppose that other countries will not then arm more hostile regimes that will attack our allies, or that those more hostile regimes may be able to arm themselves and attack because they are larger and more powerful than our less-than-perfect allies. We think our colleagues have the best of intentions, but they are dangerously naive. Their amendment would increase aggression and the strength of oppressive regimes around the world. Therefore, we urge Senators to table it.

**Those opposing** the motion to table contended:

The United States sells 52 percent of the arms in the world, including about three-fourths of the weapons that are sold to third-world nations. Senators tell us that those sales are made to benefit U.S. security interests, but the unfortunate reality is that they are mostly made to benefit U.S. economic interests. In many cases, the United States is guilty of arming both sides in a conflict. In some cases, like Somalia, it is actually guilty of arming foreign forces that have then used those weapons against American troops. The United States started its policy of being the world's leading arms merchant in 1962, when the President decided that promoting military sales would be a good way of driving down unit costs for the United States' own purchases of defense items. This immoral policy has not been seriously challenged for 20 years. The only substantive restriction comes from the Arms Export Control Act, which requires the Administration to consider whether a country respects human rights and whether it avoids acts of international aggression. This amendment would add that a country's commitment to democratic principles and its participation in the Conventional Arms Registry would also have to be considered, and that Congress would have to approve any sale to a country that did not meet these requirements. This amendment, thus, would greatly restrict the sale of arms to despotic regimes. During the Cold War, when the overarching goal was to stop the Soviet Union, it was perhaps somewhat justified to arm the lesser of two evils, but in the post-Cold War world the United States needs to exercise moral leadership. It should not arm small, violent nations that can ill-afford to waste precious resources on weaponry. If the United States provides this leadership, the rest of the world will follow. We urge our colleagues to join us in approving the Dorgan/Hatfield amendment.